

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C VRW

Plaintiff,

v

**ORDER SETTING CASE  
MANAGEMENT CONFERENCE**

Defendant.

Pursuant to FRCP 16 and Civil LR 16-2, **IT IS ORDERED** that a Case Management Conference will be called in this case before the undersigned Tuesday, \_\_\_\_\_ at 9:00 am in Courtroom 6, 17<sup>th</sup> floor, at 450 Golden Gate Avenue, San Francisco, California.

**IT IS FURTHER ORDERED :**

1. Plaintiff is directed to serve, in accordance with the provisions of FRCP 4 and 5, copies of this order at once on all parties to this action, and on any parties subsequently joined.

Following service, plaintiff shall file an appropriate certificate of service with the court.

2. Failure to serve the summons, complaint and this order on all parties pursuant to FRCP 4 and 5 shall be presumptive evidence of lack of prosecution and subject the complaint to dismissal under FRCP 41(b). Except in the unusual case, the court expects that by the time of conference, the answer or other responsive pleading shall have already been served and filed. In the

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1 event a party files a motion to dismiss pursuant to FRCP 12, the court will vacate the date of the  
2 Case Management Conference and will re-set it after ruling on the motion to dismiss. The court  
3 discourages the parties from extending time for pleading or seeking extensions of time beyond those  
4 provided in the Federal Rules.

5 3. Before appearing at the conference, the parties or their counsel, or both, shall meet  
6 and confer about the substance of the action and the most expeditious means of resolving this  
7 litigation. Not less than ten days before the conference, the parties shall file a joint case  
8 management statement. The case management statement must be submitted on behalf of all parties  
9 and may not exceed ten pages. It should briefly describe the parties' controversy but may include  
10 separate statements of the parties' respective positions. Any party seeking damages must set forth in  
11 the statement the amount sought and the basis for its calculation.

12 4. At the initial case management conference, the parties or at least one attorney of  
13 record for each party must appear in person. See FRCP 26(f); Civ LR 16-10(a). The case  
14 management conference shall be conducted informally and not reported unless one or more parties is  
15 not represented by counsel. Failure of any party or counsel therefor to attend, prepare for and  
16 participate in good faith in the conference shall be grounds for appropriate sanctions. FRCP 16(f).

17 5. No continuance of the conference will be granted except by order of the court  
18 upon application of a party. The application shall be made seven days before the date of the  
19 conference and supported by a declaration showing good cause. In no event shall any party request  
20 that the conference be scheduled more than 60 days after filing of the answer by any party.

21 6. The parties are directed to comply with Civil L R 37-1(b) for presentation of a  
22 disclosure or discovery dispute not resolved by the conference required by Civil L R 37-1(a).

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24 **IT IS SO ORDERED.**

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27 VAUGHN R WALKER  
28 UNITED STATES DISTRICT CHIEF JUDGE